

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**KELLY SIMLER and SCOTT SIMLER,**

**Plaintiffs,**

**v.**

**DUBUQUE PAINT EQUIPMENT  
SERVICES, INC., KIM A. ROSS,  
ROY G BRICE, KLLM  
TRANSPORTATION SERVICES, INC.,  
FFE TRANSPORT SERVICES, INC., and  
LIBERTY MUTUAL INSURANCE  
COMPANY,**

**Defendants.**

**No. 2:17-cv-00030-NCC**

**MEMORANDUM AND ORDER**

This matter is before the Court on the Motion to Consolidate filed by Linda J. Gartner (Doc. 33). Ms. Gartner seeks to consolidate her case, Case No. 4:17-CV-2158-NAB, with the above-captioned case (*Id.*). No responses to the Motion have been filed within the time allotted by the Court's August 21, 2017 Order (Doc. 34). The Parties in the above-captioned case have consented to the jurisdiction of the undersigned United States Magistrate Judge (Doc. 24). Since the filing of Ms. Gartner's Motion, her case has been properly transferred to the Northern Division and has been assigned Case No. 2:17-cv-00059-NAB. *See* E.D. Mo. L.R. 2.07. The Court will therefore construe the Motion to apply to her Northern Division case. Because the Court finds that the actions involve common questions of law and fact, the Court will grant Ms. Gartner's Motion, in part. To the extent Ms. Gartner requests consolidation for the purpose of pretrial discovery matters only, the Court will deny the Motion because the Court finds that judicial efficiency will not be served by returning Ms. Gartner's case to Judge Baker once it is ready for trial.

Accordingly,

**IT IS HEREBY ORDERED** that the Motion to Consolidate filed by Linda J. Gartner (Doc. 33) is **GRANTED, in part** and **DENIED, in part**. Case No. 2:17-cv-00059-NAB is consolidated with the above-captioned case. Case No. 2:17-cv-00059-NAB shall be reassigned to the undersigned United States Magistrate Judge.

**IT IS FURTHER ORDERED** that the Clerk of Court is directed to issue Notice Regarding Magistrate Judge Jurisdiction forms to the parties in that case once it is reassigned to Magistrate Judge Collins and bears Case No. 2:17-cv-00059-NCC. The Parties have twenty-one days from the date of this Order to file their Notice Regarding Magistrate Judge Jurisdiction forms in Case No. 2:17-cv-00059-NCC. Failure to file these forms in Case No. 2:17-cv-00059-NCC may result in the reassignment of the consolidated cases. Thereafter, all future filings shall be made in this case and shall contain the Case No. 2:17-cv-00030-NCC. A copy of this Order shall be filed in Case No. 2:17-cv-00059-NAB.

**IT IS FURTHER ORDERED** that, in light of the current status of Case No. 2:17-cv-00059-NCC, the Rule 16 Conference shall be set on further order of the Court when procedurally appropriate.

Dated this 1st day of September, 2017.

/s/ Noelle C. Collins  
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NOELLE C. COLLINS  
UNITED STATES MAGISTRATE JUDGE